

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 98, "Wild Turkey Spring Hunting," Iowa Administrative Code.

Chapter 98 regulates hunting wild turkeys during the spring and includes season dates, bag limits, possession limits, shooting hours, areas open to hunting, licensing procedures, means and method of take, and transportation tag requirements. The proposed amendments allow this chapter to conform with Iowa Code Supplement section 483A.24, which was amended by 2008 Iowa Acts, Senate File 2230, to add new subsection 9A. This new law requires the Commission to adopt rules to implement 2008 Iowa Acts, Senate File 2230. The proposed amendments also update the implementation sentence for Chapter 98.

2008 Iowa Acts, Senate File 2230, specifies that nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness may obtain a special license to hunt turkey during any season in any zone. A nonresident who receives a special license pursuant to Senate File 2230 must purchase both a hunting license and the nonresident turkey hunting license and pay the wildlife habitat fee, but is not required to complete the hunter safety and ethics education course if the nonresident licensee is accompanied and aided by a person who is at least 18 years of age. The accompanying adult must be qualified to hunt and have a hunting license. During the hunt, the accompanying adult must be within arm's reach of the nonresident licensee. The applicant for the special license must apply on a form which requires that the applicant's attending physician sign the form declaring that the applicant has a severe physical disability or has been diagnosed with a terminal illness and is eligible for the special license.

Any interested person may make written suggestions or comments on the proposed amendments on or before October 21, 2008. Such written materials should be directed to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)281-6794. Persons who wish to convey their views orally should contact the Bureau at (515)281-5918 or at the Bureau offices on the fourth floor of the Wallace State Office Building.

There will be a public hearing on October 21, 2008, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should inform the Department of Natural Resources of specific needs.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, and 483A.7 and Iowa Code Supplement section 483A.24 as amended by 2008 Iowa Acts, Senate File 2230, section 1.

The following amendments are proposed.

ITEM 1. Adopt the following **new** subrule 98.11(3):

98.11(3) *Special licenses.* The commission shall issue licenses in conformance with Iowa Code Supplement section 483A.24 as amended by 2008 Iowa Acts, Senate File 2230, section 1, to

nonresidents 21 years of age or younger with a severe physical disability or who have been diagnosed with a terminal illness.

ITEM 2. Amend **571—Chapter 98**, as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1₂, and 483A.7 and Iowa Code Supplement section 483A.24 as amended by 2008 Iowa Acts, Senate File 2230, section 1.